

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.  
WINNINGHAM, and JAMES L. KELLEY,

Plaintiffs,

v.

BORGWARNER INC., BORGWARNER  
DIVERSIFIED TRANSMISSION  
PRODUCTS INC., and BORGWARNER  
FLEXIBLE BENEFITS PLANS,

Defendants.

Case 2:09-cv-10918-PDB-MKM

U.S. District Judge Paul D. Borman

U.S. Magistrate Judge Mona K. Majzoub

**BORGWARNER'S APPENDIX OF SUMMARY JUDGMENT EXHIBITS  
VOLUME 4**

<b>Exhibit</b>	<b>Description</b>
<i>Volume 1</i>	
1	Health Insurance Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation, Muncie Plant and the International Union, United Automotive, Aerospace and Agricultural Implement Workers of America, UAW, and Its Local No. 287 (Oct. 27, 1989) (DTP021130–DTP021260) (Pls.' Dep. Ex. 7)
2	Agreement on Modification and Extension of Existing Labor Contract (Sept. 27, 1990) (DTP005354–DTP005363) (Pls.' Dep. Ex. 11)
3	1992 Agreement on Modification and Extension of Existing Health Insurance Agreement and Ancillary Matters (Nov. 30, 1992) (DTP000432–DTP000450) (Pls.' Dep. Ex. 18)
4	Health Insurance Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation, Muncie Plant and the International Union, United Automotive, Aerospace and Agricultural Implement Workers of America, UAW, and Its Local No. 287 (Nov. 30, 1992) (DTP000451–DTP000598) (UAW Dep. Ex. 13)

<b>Exhibit</b>	<b>Description</b>
5	Health Insurance Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation, Muncie Plant and the International Union, United Automotive, Aerospace and Agricultural Implement Workers of America, UAW, and Its Local No. 287 (Mar. 12, 1995) (DTP000855–DTP001001) (UAW Dep. Ex. 16)
6	Tentative Approval of Selected Company Proposals (Mar. 11, 1998) (UAWL287 004592–UAWL287 004685) (Champagne Dep. Ex. 16)
7	Borg-Warner Automotive Diversified Transmission Products Corporation, Muncie Plant & Local 287, UAW Insurance Highlights of the 1998 Contract Negotiations (Sept. 4, 1998) (DTP001143–DTP001171) (Pls.’ Dep. Ex. 27)
8	Tentative Agreement (Nov. 28, 2000) (UAWL287005329–UAWL287005333) (Champagne Dep. Ex. 18)
9	Tentative Agreement (Modified and Approved) of Terms Submitted by the Parties (Apr. 5, 2005) (DTP013447) (Pls.’ Dep. Ex. 44)
10	Clarifications of Tentative Agreement Reached Between BWDTPC and UAW Local 287 (Apr. 8, 2005) (DTP012976–DTP012977) (Pls.’ Dep. Ex. 46)
11	Plant Shutdown Agreement Between BorgWarner Diversified Transmission Products Inc., Muncie Plant and International Union, United Automotive, Aerospace and Agricultural Implement Workers of America (UAW) and Its Local No. 287 (Feb. 26, 2009) (DTP017176–DTP017193) (UAW Dep. Ex. 20)
12	Your Health Care Travel Guide for Current Muncie Hourly Retirees (Feb. 2009) (DTP0023449–DTP0023455) (Pls.’ Dep. Ex. 88)
13	Your Retiree Health Care Travel Guide for Muncie Hourly Pre-Medicare Retirees (Feb. 2009) (DTP017404–DTP017414) (Pls.’ Dep. Ex. 90)
14	Answers to Defendants’ First Set of Interrogatories to Class Plaintiffs (Feb. 19, 2010)
<i>Volume 2</i>	
15	Declaration of Anthony Behrman (May 4, 2012)
1	Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation Transmission Systems Muncie, Indiana and International Union, United Automotive, Aerospace and Agricultural Implement Workers of America (UAW) and Its Local No. 287 (Sept. 7, 1989) (DTP000001–DTP000260)

<b>Exhibit</b>	<b>Description</b>
2	Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation Muncie Plant Muncie, Indiana and International Union, United Automotive, Aerospace and Agricultural Implement Workers of America (UAW) and Its Local No. 287 (Mar. 12, 1995) (DTP000599–DTP000830)
3	Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation Muncie Plant Muncie, Indiana and International Union, United Automotive, Aerospace and Agricultural Implement Workers of America (UAW) and Its [sic] Local No. 287 (Mar. 12, 1998) (DTP001002–DTP001142)
4	Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation Muncie Plant Muncie, Indiana and International Union, United Automotive, Aerospace and Agricultural Implement Workers of America (UAW) and Its Local No. 287 (Dec. 10, 2000) (DTP001173–DTP001389)
5	Agreement Between Borg-Warner Automotive Diversified Transmission Products Corporation Muncie Plant Muncie, Indiana and International Union, United Automotive, Aerospace and Agricultural Implement Workers of America (UAW) and Its Local No. 287 (Apr. 24, 2005) (DTP012999–DTP013178)

*Volume 3*

16 Declaration of Michelle DuFour (May 14, 2012)

- 1 CIGNA HealthCare Benefit Summary, BorgWarner Inc., Muncie Hourly Pre-65 Retirees (Ret. Between 1/90 & 12/92), Passive PPO Coinsurance Plan MPPO3–1/1/09–5/1/09 (July 30, 2010) (D00032–D00041)
- 2 CIGNA HealthCare Benefit Summary, BorgWarner Inc., Muncie Hourly Pre65 Retirees (Retired 1/93+), PPO Coinsurance Plan MPPO4–1/1/09–5/1/09 (July 30, 2010) (D00042–D00052)
- 3 CIGNA HealthCare Benefit Summary, BorgWarner Inc., Muncie Hourly Pre Medicare Retirees (After 1/93), PPO Coinsurance Plan MOOA2–1/1/09–5/1/09 (July 30, 2010) (D00062–D00072)
- 4 CIGNA HealthCare Benefit Summary, BorgWarner Inc., Muncie Hourly—CIGNA Network, PPO Copay Plan MPPO7–1/1/09–5/1/09 (July 30, 2010) (D00053–D00061)

<b>Exhibit</b>	<b>Description</b>
5	BorgWarner DTP Hourly PreMedicare Retiree aft 1/93 PPO with APM (008), Summary of Benefits (eff. Jan. 1, 2008) (D00073–D00074)
6	BorgWarner DTP Hourly PreMedicare Retiree Copay Plan with APM (009), Summary of Benefits (eff. Jan. 1, 2008) (D00075–D00076)
7	BorgWarner DTP Hourly PreMedicare Retiree Aft 1/93 PPO with APM (012), Summary of Benefits (eff. Jan. 1, 2008) (D00077–D00078)
8	BorgWarner DTP Hourly PreMedicare Retiree PPO2 PPO with APM (018), Summary of Benefits (eff. Jan. 1, 2008) (D00079–D00080)
9	CIGNA HealthCare Benefit Summary, BorgWarner Inc., Muncie Hourly Medicare Retirees (After 12/89), Base/Major Medical Plan MIND2–1/1/09–5/1/09 (July 30, 2010) (D00085–D00093)
10	CIGNA HealthCare Benefit Summary, BorgWarner Inc., Muncie Hourly Medicare Retirees (After 1/93), PPO Coinsurance Plan MOA2M–1/1/09–05/01/2009 (July 30, 2010) (D00094–D00104)
11	BorgWarner DTP Hourly Medicare Retiree After 1/93 PPO with APM (019), Summary of Benefits (eff. Jan. 1, 2008) (D00105–D00106)
12	BorgWarner DTP Hourly Medicare Retiree PPO2M PPO with APM (019), Summary of Benefits (eff. Jan. 1, 2008) (D00107–D00108)
17	Declaration of Scott J. Macey (May 8, 2012)
18	Deposition of William David Campbell (Oct. 27, 2011)
19	Deposition of Laura J. Champagne (Jan. 13, 2012)
20	Deposition of Michelle DuFour (Jan. 12, 2012)
<i>Volume 4</i>	
21	1 Deposition of International Union, United Automotive, Aerospace & Agricultural Implement Workers of America (Dec. 16, 2011) (Michael Ailes)
22	2 Deposition of International Union, United Automotive, Aerospace & Agricultural Implement Workers of America (Feb. 1, 2012) (Richard Isaacson)

<b>Exhibit</b>	<b>Description</b>
----------------	--------------------

*Volume 5*

23	Deposition of James L. Kelley (Feb. 14, 2012)
24	Deposition of Richard Nuerge (Oct. 25, 2011)
25	Deposition of Eugene J. Winningham (Feb. 14, 2012)

Dated: May 14, 2012

Respectfully submitted,

Elisa Angeli Palizzi (P52088)  
(angeli@millercanfield.com)  
Miller, Canfield, Paddock and Stone, P.L.C.  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
313.496.7635  
313.963.6420 fax

s/Bobby R. Burchfield  
Bobby R. Burchfield  
(bburchfield@mwe.com)  
Joshua David Rogaczewski  
(jrogaczewski@mwe.com)  
McDermott Will & Emery LLP  
600 13th Street, Northwest  
Washington, D.C. 20005  
202.756.8000  
202.756.8087 fax

*Attorneys for BorgWarner Inc., BorgWarner Diversified Transmission Products Inc., and  
BorgWarner Flexible Benefits Plans*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2012, I electronically filed the foregoing **BorgWarner's Appendix of Summary Judgment Exhibits, Volume 4** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

s/Bobby R. Burchfield  
Bobby R. Burchfield  
(bburchfield@mwe.com)  
McDermott Will & Emery LLP  
600 13th Street, Northwest  
Washington, D.C. 20005  
202.756.8000  
202.756.8087 fax